

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

IN THE MATTER OF:)	Docket No: SRPD 00/01 SNS-4209
)	
Heraeus Amersil, Inc.)	
520 West Central Avenue)	STIPULATION AND ORDER
Brea, California 92621)	
)	
EPA ID CA 0000 568 725)	
)	Health and Safety Code
Heraeus Amersil, Inc.)	
Respondent.)	Section 25187
_____)	

INTRODUCTION

The State Department of Toxic Substances Control (Department) and Heraeus Amersil, Inc. enter into this Stipulation and Order (Order) and agree as follows:

1. A dispute exists regarding the Summary of Violation (SOV) issued by the Department on December 21, 2000.

2. The parties wish to avoid the expense of further litigation and to ensure prompt action to achieve the Schedule for Compliance below.

3. Jurisdiction exists pursuant to Health and Safety Code (HSC) section 25187.

4. Respondent waives any right to a formal hearing in this matter.

5.1. Respondent's Tiered Permitting Phase I Environmental Checklist (Checklist) concludes that their facility requires no further investigation at this time.

5.2. This Order shall constitute full settlement of

the violations alleged in the Summary of Violation, but does not limit the Department from taking appropriate enforcement action concerning other violations.

SCHEDULE FOR COMPLIANCE

6. Respondent submitted to the Department a completed Phase I environmental Assessment(Phase I Checklist) as specified in HSC section 25200.14 (b) on January 22, 2001.

6.1. Penalties for Noncompliance: Failure to comply with the terms of this Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by HSC section 25188 and other applicable provisions of law.

6.2. Parties Bound: This Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

PAYMENTS

7. Respondent shall pay to the Department a total of \$2,500.00, which is the reimbursement of the Department's administrative cost by July 25, 2001. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case. Respondent shall deliver the penalty payment to:

Department of Toxic Substances Control
Accounting Office
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Yvonne Sanchez, Section Chief
Southern California Branch
State Regulatory Programs Division
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630-4700

EFFECTIVE DATE

8. The effective date of this Order is the date it is signed by the Department.

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INTEGRATION

9. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

Dated: July 12, 2001

(Signed Thomas K. Cook)
Signature of Respondent's
Representative

Dated: July 12, 2001

Thomas K. Cook
Vice President - Finance & Admin.
Typed or Printed Name and Title of
Respondent's Representative

Dated: 7/30/01

(Signed Yvonne Sanchez)
Yvonne Sanchez
Section Chief
Southern California Branch
State Regulatory Programs Division